



## Senate

General Assembly

**File No. 350**

February Session, 2010

Substitute Senate Bill No. 338

*Senate, April 7, 2010*

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING THE PROCESSING OF DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-136h of the 2010 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2010*):

4 Notwithstanding any provision of title 22a, when [a municipality]  
5 any person submits a formal petition, application or request for a  
6 permit to the Commissioner of Environmental Protection, pursuant to  
7 a requirement of the general statutes, the commissioner shall, within  
8 available appropriations, not later than sixty days after the date on  
9 which the commissioner receives such petition, application or request,  
10 make a preliminary review of the petition, application or request for  
11 the sole purpose of determining whether such petition, application or  
12 request is acceptable for filing. The commissioner shall notify [the  
13 municipality] such person of the results of such preliminary review.

14 Nothing in this section shall preclude the commissioner from  
15 requesting additional information from [the municipality] such person  
16 subsequent to such notification. For purposes of this section, "person"  
17 shall have the same meaning as in section 22a-2.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2010</i>	7-136h
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**PD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
Department of Environmental Protection	GF - Cost	Potential 178,266	Potential 183,614
Comptroller Misc. Accounts (Fringe Benefits) <sup>1</sup>	GF - Cost	Potential 47,526	Potential 122,122

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill expands the pool of permits<sup>2</sup> submitted for review, from a municipality to any person, received by the Department of Environmental Protection (DEP). Depending on the number of permits submitted, DEP may need three Environmental Analyst II positions to determine whether the permit is acceptable for technical review. The total cost for three positions would be \$225,792 (\$178,266 in Personal Services; \$47,526 in Fringe Benefits) in FY 11 and \$305,736 (\$183,614 in Personal Services; \$122,122 in Fringe Benefits) in FY 12.

The requirement that this review be performed within available appropriations will likely result in one of four outcomes: (1) DEP will proceed with the review and require a deficiency appropriation in FY

<sup>1</sup> The estimated non-pension fringe benefit rate as a percentage of payroll is 26.66% which includes health insurance, social security, Medicare, life insurance, and unemployment compensation. Fringe benefit costs for new positions do not include pension costs as new positions will not impact the state's pension contribution until FY 12 after the next scheduled actuarial valuation.

<sup>2</sup> In calendar year 2009, there were approximately 3,500 permits of various types submitted to the agency for review.

11; (2) DEP will delay the implementation of the review process pending the approval of additional appropriations; (3) DEP will shift resources from other agency priorities to conduct permit review, thereby impacting existing departmental programs; or (4) DEP will not implement this permit review process.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of permits submitted for review.

**OLR Bill Analysis****sSB 338*****AN ACT CONCERNING THE PROCESSING OF DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMITS.*****SUMMARY:**

This bill requires the Department of Environmental Protection (DEP) to conduct, within available appropriations, a preliminary review of any formal petition, application, or request for a permit submitted to the DEP commissioner by any person, not just any municipality. The sole purpose of the review (called a sufficiency review by the DEP) is to determine if the application, petition, or request is acceptable for filing, (i.e., complete). As is currently the case for municipalities, the commissioner must notify the person of the results of the review not later than 60 days after receipt of the petition, application, or request.

The bill defines a “person” as an individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency, or political or administrative subdivision of the state, or other legal entity of any kind.

EFFECTIVE DATE: October 1, 2010

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 19      Nay 1      (03/22/2010)